

CHAPTER 28-29

RELIEF FROM DEFAULTS AND HARDSHIPS

28-29-01. Opening default judgment - Supplying omissions. Superseded by N.D.R.Civ.P., Rule 60.

28-29-02. Extension of time. Superseded by N.D.R.Civ.P., Rule 6.

28-29-03. Cause must be shown for extending time to answer. Superseded by N.D.R.Civ.P., Rule 6.

28-29-04. Power of courts when prices are confiscatory. Repealed by S.L. 2003, ch. 270, § 1.

28-29-05. Courts may delay orders in foreclosures. Repealed by S.L. 2003, ch. 270, § 1.

28-29-06. Public policy. Repealed by S.L. 2003, ch. 270, § 1.

28-29-07. Debtor allowed reasonable time to make good default under security agreement. In an action to foreclose or otherwise enforce a security interest in personal property, the court in its discretion, upon the application of the debtor, may make an interlocutory order fixing a reasonable time within which the debtor shall make good the default under the security agreement and shall pay all costs of suit to date. If the debtor shows to the court, on or before the date fixed by the interlocutory order, that the debtor has made such payment, or if the debtor tenders it in court, then such action must be dismissed, otherwise, a final order for judgment for plaintiff may be made as though such interlocutory order had not been made. The court has the power to impound the personal property in controversy during the pendency of the interlocutory order at the expense of the debtor.

28-29-07.1. Redemption of property after retaking under conditional sales contract - Notice. Repealed by S.L. 1965, ch. 296, § 32.

28-29-08. Enjoining mortgagee from foreclosing mortgage or vendor from taking possession or selling property permissible. When the mortgagee has commenced foreclosure proceedings, or the vendor demands or takes possession of the property covered by the contract, and it appears by the affidavit of the mortgagor or vendee, or the mortgagor's or vendee's agent or attorney, to the satisfaction of the judge of the district court of the county wherein such property is situated, that the mortgagor or vendee has a legal counterclaim or is entitled to take advantage of the provisions of section 28-29-07, or has any other valid defense against the collection of the whole or any part of the amount claimed to be due, such judge, by an order to that effect, may enjoin the mortgagee from foreclosing such mortgage by advertisement, or the vendor from taking possession of or selling such property, and may direct that all further proceedings be had in the district court having jurisdiction of the subject matter. For the purpose of carrying out the provisions of this section, service may be made on the mortgagee or vendor or the mortgagee's or vendor's attorney or agent. The provisions of this section apply to the assignee or transferee of any mortgagee or vendor and to the assignee or successor in interest of the mortgagor or vendee.